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C O N F I D E N T I A L CARACAS 003745

SIPDIS

NSC FOR CBARTON  
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TAGS: PHUM PTER KJUS VE

SUBJECT: UPDATE ON ANDERSON INVESTIGATION

REF: A) CARACAS 03704 B) CARACAS 03677

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (d)  
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Summary  
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¶1. (U) Police investigating the assassination of Venezuelan prosecutor Danilo Anderson have killed two suspects, while a judge has ordered three former police officers (two brothers and their cousin), detained on charges of murder. Lawyers and family members allege that the three were tortured while being illegally held by police, and that police used excessive force against the two dead suspects. Police have carried out various raids and have allegedly found weapons stockpiles and incriminating evidence, though defense lawyers claim the searches were carried out illegally. The search of Caracas' Hebrew Cultural Center, with negative results, drew rebuke and caused consternation among the Jewish community (reftel A). Authorities have offered no explanation on the motive for the attack, though USG involvement has been insinuated by GOV officials. End Summary.

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The Arrested and the Dead  
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¶2. (U) Interior and Justice Minister Jesse Chacon claimed December 2 to have discovered the operational part of the plot that assassinated prosecutor Danilo Anderson November 18. Chacon also announced changes in the investigative team. He denied newspaper reports that the removal of the Homicide Division of the Investigative and Criminal Police Corps (CICPC) from the case had to do with allegations of disappearances, torture, illegal searches, as Caracas' two leading newspapers had claimed that day. He said that the investigation was now focusing on finding the intellectual authors of the attack, and that other investigative abilities were required than in the investigation of the material authors.

¶3. (U) The investigation thus far has led to the arrest of Otoniel Guevara, one time number three in the Directorate for Intelligence and Prevention Services (DISIP), his brother Rolando Guevara, former chief of the Homicide Division of the CICPC, on November 26, and their cousin, Juan Bautista Guevara, former inspector with the CICPC, on November 28. CICPC officers also killed Antonio Lopez in a shoot out in the center of Caracas November 23. Lopez was a lawyer who frequented the firing range owned by Otoniel Guevara. Marco Antonio Rodriguez the lawyer for Lopez' family, told reporters November 27 that Lopez' body had a bullet wound under the chin with powder burns, indicating, according to Rodriguez, that Lopez was executed. (Comment There is no other corroboration of this report but it is plausible.) CICPC officers also killed Carlos Sanchez in a shootout in a hotel room in Arquismeto November 25. Sanchez was also a former CICPC inspector, and was a partner with Rolando Guevara in a security company.

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Searches Questioned

¶4. (U) CICPC officers searched the home of Antoni Lopez's parents, where he lived, November 23. They allege to have found automatic weapons, C-4 explosive, an anti-tank mine and a rocket launcher. Lopez' parents, ex-COPEI senator Haydee Castillo and Antonio Lopez Acosta, allege that the police did not allow them to observe the search, that the prosecutor arrived late, and that he did not have a warrant. They say the police planted the evidence in their house. CICPC officers detained the elderly couple after the search and took them handcuffed to detention facilities, where they were held for two days. Vice President Jose Vicente Rangel and Chacon have criticized the treatment the pair received. Police also searched Caracas' Hebrew Culture center November 29 (ref A).

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Allegations of Disappearances and Torture

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15. (U) There are several unresolved questions about the

detention of the three suspects arrested for murder. Juan Bautista Guevara's wife reported him missing, and alleged he had been detained by CICPC officers, on November 20. On November 23, Chacon said that no police force had detained him. On that same day Attorney General Isaias Rodriguez told reporters that Guevara had not been detained, but was being questioned by police. DISIP officers then allegedly captured Juan Guevara in Portuguesa on November 28. Defense lawyer Pedro Miguel Castillo told reporters November 30 that Juan Guevara testified before Control Judges Maikel Moreno that he was moved from place to place and tortured while in the custody of unknown individuals. Guevara, the lawyer said, described being given psychotropic drugs, having a hood placed over his head, and being told his wife was being raped in the next room, and his child tortured. Judge Moreno ordered an investigation of Guevara's charges, and ordered him detained for 45 days pending formal accusation by the prosecutor.

16. (U) Otoniel and Ronaldo Guevara were seized by unknown persons on November 23, and then "found" by National Guard officers outside of Valencia on November 26. They were bound and gagged, and the marks on their wrists indicated they had been tied for a long time, according to Chacon. Castillo told reporters that Otoniel testified before Moreno that his captors tortured him with electric shock and also applied mentholated liquid to his genitals, among other abuses.

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Shadowy Backgrounds  
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17. (U) Speaking to reporters, Deputy Cilia Flores (Movimiento Quinto Republica) November 29 alleged that the Guevaras had all been involved in hiding Former Peruvian National Security Advisor Vladimir Montesinos in Venezuela in 2001, and that she and other Deputies had completed an investigation into their involvement, and given it to the Attorney General's office. She called on the A/G's office to proceed against the Guevaras not only for the Anderson case, but for Montesinos as well. The fact that Antonio Lopez reportedly took counter terrorism and explosives courses in the U.S., and that the law firm he worked for has an American partner led Chacon to claim on November 26 that there might be CIA involvement in Anderson's murder. Flores also alleged that Jose Guevara, another cousin, boasted of CIA connections during the Montesinos case. Speaking on November 19, Communications Minister Andres Izarra alleged that the USG was at least guilty by omission, for not shutting down anti-Castro training camps in Florida, where anti-Chavez militant are allegedly training. He also complained that satirist Orlando Urdaneta had not been arrested or deported, after suggesting on Miami television October 23 that someone could solve the problem of dictators with a telescopic rifle.

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Comment  
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18. (C) Despite the deaths of two suspects, three detentions, and various high profile searches, there has been no explanation by the GOV of the motive for the attack on Anderson. The serious and repeated abuses which appear to have taken place during the various detentions of the Guevaras show all the signs of police out of control, while prosecutors judges and Chacon try to catch up, if only to cover-up their actions. That two suspects who may have had valuable information could both have been killed by police, while three others were apparently held under unexplained circumstances prior to being officially detained, not to mention the speed with which all this is occurring, casts doubt on the investigation. Additionally, the lack of independence and professionalism among Venezuelan police, prosecutors and judges (see ref B) seems to be coming home to roost in the Anderson investigation.

Brownfield

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